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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:08-CV-1062-MMD (GWF)
)	
\$75,604.05 IN UNITED STATES CURRENCY,)	
)	
Defendant.)	

DEFAULT JUDGMENT OF FORFEITURE

The United States filed a verified Complaint for Forfeiture in Rem on August 8, 2008. Complaint, ECF No. 1. The Complaint (ECF, No. 1) alleges the defendant property:

- a. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1084, a “specified unlawful activity” as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
 - b. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. § 1341, a “specified unlawful activity” as defined in 18 U.S.C. §§ 1956(c)(7)(A)
- ...

1 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
2 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

3 c. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
4 1343, a “specified unlawful activity” as defined in 18 U.S.C. §§ 1956(c)(7)(A)
5 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
6 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

7 d. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
8 1952(a)(1), a “specified unlawful activity” as defined in 18 U.S.C. §§
9 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
10 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

11 e. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
12 1952(a)(3), a “specified unlawful activity” as defined in 18 U.S.C. §§
13 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
14 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

15 f. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
16 1955, a “specified unlawful activity” as defined in 18 U.S.C. §§ 1956(c)(7)(A)
17 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
18 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);

19 g. used in violation of 18 U.S.C. § 1955 and is subject to forfeiture pursuant to
20 18 U.S.C. § 1955(d);

21 h. involved in a transaction or attempted transaction in violation of 18 U.S.C. §
22 1956(a)(1), or is property traceable to such property, and is subject to forfeiture
23 pursuant to 18 U.S.C. § 981(a)(1)(A);

24 i. involved in a transaction or attempted transaction in violation of 18 U.S.C. §
25 1956(a)(2), or is property traceable to such property, and is subject to forfeiture
26 pursuant to 18 U.S.C. § 981(a)(1)(A);

- 1 j. involved in a transaction or attempted transaction in violation of 18 U.S.C. §
2 1957, or is property traceable to such property, and is subject to forfeiture
3 pursuant to 18 U.S.C. § 981(a)(1)(A);
- 4 k. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
5 1956(a)(1), a “specified unlawful activity” as defined in 18 U.S.C. §§
6 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
7 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- 8 l. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
9 1956(a)(2), a “specified unlawful activity” as defined in 18 U.S.C. §§
10 1956(c)(7)(A) and 1961(1)(B), or a conspiracy to commit such offense, and is
11 subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C);
- 12 m. constitutes, or is derived from, proceeds traceable to violations of 18 U.S.C. §
13 1957, a “specified unlawful activity” as defined in 18 U.S.C. §§ 1956(c)(7)(A)
14 and 1961(1)(B), or a conspiracy to commit such offense, and is subject to
15 forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C); and
- 16 n. involved in violations of 31 U.S.C. §§ 5313 and 5324, or a conspiracy to
17 commit such violations, or is traceable to any such violations or conspiracy,
18 and is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2).

19 It appearing that process was fully issued in this action and returned according to law;

20 On August 12, 2008, the Court entered an Order for Summons and Warrant of Arrest in Rem
21 for the Property and Notice and issued the Summons and Warrant of Arrest in Rem. Order for
22 Summons and Warrant of Arrest in Rem for the Property and Notice, ECF No. 4; Summons and
23 Warrant Issued by the Clerk, ECF No. 5.

24 Pursuant to the Order (ECF No. 4), the Complaint (ECF No. 1), the Order (ECF No. 4), the
25 Summons and Warrant (ECF No. 5), and the Notice of Complaint for Forfeiture (ECF No. 6, p. 4-5)
26 were served on the defendant property and all persons claiming an interest in the defendant property.

1 All persons interested in the defendant property were required to file their claims with the Clerk of the
2 Court no later than 35 days after the notice of this action was sent by mail, followed by the filing of
3 an answer to the Complaint within 21 days after the filing of their respective claims. Complaint, ECF
4 No. 1; Order for Summons and Warrant of Arrest in Rem for the Property and Notice, ECF No. 4;
5 Summons and Warrant Issued by the Clerk, ECF No. 5; Notice of Filing Immigration Custom
6 Enforcement Return on Service of Process, ECF No. 6.

7 On October 8, 2008, the Immigration Custom Enforcement served the Complaint, the Order,
8 the Summons and Warrant of Arrest in Rem for the Property, and the Notice by executing them on
9 the defendant property. Notice of Filing Immigration Custom Enforcement Return on Service of
10 Process, ECF No. 6.

11 Public notice of the forfeiture action and arrest was given to all persons and entities by
12 publication on the official government website www.forfeiture.gov from June 27, 2012, through July
13 26, 2012. Notice of Filing Proof of Publication, ECF No. 12.

14 On August 8, 2012, the United States Filed a Settlement Agreement, Stipulation for Entry of
15 Judgment of Forfeiture as to Richard Tavano, James Scott, Louis Tavano, and Jacktrade, LLC., and
16 Order. ECF No. 13.

17 On August 10, 2012, the Court entered the Order granting the Settlement Agreement,
18 Stipulation for Entry of Judgment of Forfeiture as to Richard Tavano, James Scott, Louis Tavano, and
19 Jacktrade, LLC., and Order. ECF No. 15.

20 No other person or entity has filed a claim, answer, or responsive pleading within the time
21 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

22 On August 10, 2012, the United States filed a Request for Entry of Default against the
23 defendant property and all persons or entities who claim an interest in the defendant property in the
24 above-entitled action. Motion for Entry of Clerk's Default, ECF No. 16.

25 ...

26 ...

1 On August 16, 2012, the Clerk of the Court entered an Amended Default against the
2 defendant property and all persons or entities who claim an interest in the defendant property in the
3 above-entitled action. Amended Clerk's Entry of Default, ECF No. 18.

4 The allegations of the Complaint are sustained by the evidence and are adopted as findings
5 of fact. The Court concludes as a matter of law that the United States is entitled to the relief requested
6 in the Complaint.

7 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
8 Default Judgment of Forfeiture be entered against the defendant property and all persons or entities
9 who claim an interest in the defendant property in the above-entitled action.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
11 same is hereby forfeited to the United States of America, and no right, title, or interest in the property
12 shall exist in any other party.

13 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
14 cause for the seizure or arrest of the defendant property.

15 

16 UNITED STATES DISTRICT JUDGE

17 DATED: August 25, 2012